

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**[PROPOSED] ORDER GRANTING MOTION TO TAKE
THE DE BENE ESSE DEPOSITION OF CHRIS LUEBBERS**

THIS MATTER having come before the Court on Plaintiff CSX Transportation, Inc.’s (“CSX”) Motion to Take the *De Bene Esse* Deposition of Chris Luebbers (“Motion”), and the Court having reviewed same and finding good cause for the relief requested, it is hereby

ORDERED that the Motion is **GRANTED**. The Court **ORDERS** that discovery is reopened for the sole purpose of allowing CSX to take a *de bene esse* deposition of Christopher Luebbers.

IT IS SO ORDERED.

Dated: _____
At Norfolk, Virginia

The Honorable Robert J. Krask
United States Magistrate Judge